

Wei Xiong
38863 Fremont Blvd. #52
Fremont, CA 94536
Telephone: (510) 557 2126
Facsimile: (415) 598 1411
Email: xiong_ww@yahoo.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Wei Xiong) Case No.:
)
Plaintiff)
)
VS.) PLAINTIFF'S ORIGINAL COMPLAINT
) FOR WRIT IN THE NATURE OF
Michael Chertoff, Secretary of the Department) MANDAMUS & DECLARATORY
of Homeland Security;) JUDGMENT UNDER 28 U.S.C. §§ 1361
Emilio T Gonzales, Director of U.S. Citizen and) and 1331, 5 U.S.C. §§ 551 and 701 et seq.
Immigration Services;)
Robert S. Muller, Director of Federal Bureau of) Immigration case
Investigation)
)
Defendants)
)
_____)

COME NOW Wei Xiong, plaintiff in the above-styled and numbered cause. And for cause of action, would show unto the Court the following:

1. This action is brought against the Defendants to compel action on the clearly delayed processing of an I-485 Application filed by the Plaintiff, Wei Xiong. The application was filed and remains within the jurisdiction of the Defendants, who have improperly delayed processing the application to Plaintiff's detriment.

PARTIES

2. Plaintiff, Wei Xiong, resides at 38863 Fremont Blvd, Fremont, CA 94536, and is the primary applicant of an I-485, *Application to Adjust to Permanent Resident Status*, along with his wife and his son as the derivative beneficiaries, filed with United States Citizenship and Immigration Services ("USCIS").
3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security ("DHS"), and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 USC § 1103(a); 8 C.F.R. § 2.1.
4. Defendant Emilio T. Gonzalez is the Director of the United States Citizenship and Immigration Services (USCIS), an agency within the DHS to whom the Security's authority has in part been delegated and is subject to the Secretary's supervision. Defendant Director is generally charged with the overall administration and supervisory authority over operations of the USCIS with certain specific exceptions not relevant here. 8 CFR § 100.2(a) (d)(2)(ii).

5. Defendant Robert S. Mueller, III, is Director of the Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as USCIS. As will be shown, Defendant has failed to complete the security clearance on Plaintiff's case.

JURISDICTION

6. Jurisdiction in this case is proper under 28 USC §§ 1331 and 1361, 5 USC §§551, et seq. and 701 et seq., and 28 USC §2201 et seq. Relief is requested pursuant to said statutes.

VENUE

7. Venue is proper in this court, pursuant to 28 USC §1391(e), in that Plaintiff may request a hearing on the matter in the District where Plaintiff resides.

EXHAUSTION OF REMEDIES

8. The Plaintiff has exhausted his administrative remedies. The Plaintiff has supplied the USCIS and FBI documents that clearly establish his eligibility to Register Permanent Resident or Adjust Status.

CAUSE OF ACTION

9. Plaintiff properly filed and applied through his employer for I-485, *Application to Register Permanent Resident or Adjust Status*, pursuant to Section 245 of the Immigration & Naturalization Act on August 8, 2005. Attached hereto as **Exhibit A** in an acknowledgement document by the USCIS.
10. This petition along with an I-131, I-765, and supporting documentation was filed by the plaintiff through his company lawyer on August 8, 2005. Fingerprints were taken on October 7, 2005, September 28, 2006, March 21, 2007, July 26, 2007 and December 4, 2007 (**Exhibit B**).
11. On September 7, 2006, Plaintiff contacted USCIS about the case status and was told that the case was “outside processing time” and “the required investigation into your background remains open” and to check in 6 months, as **Exhibit C**.
12. In November, 2006, Plaintiff sent a letter to Congressman Pete Stark asking for help in expediting his delayed I-485 application. In a reply letter dated April 17, 2007, Congressman Pete Stark informed Plaintiff that his case was still pending resolution of the background check and he would check again if no correspondence received by September 2007, as **Exhibit D**.
13. On March 6, 2007, USCIS sent Plaintiff a notice stating that his I-485 case was transferred from California Service Center (CSC) to Nebraska Service Center (NSC), “in order to speed up processing” (**Exhibit E**).
14. In June, 2007, Plaintiff sent a letter to First Lady Mrs. George W. Bush asking for help in expediting his delayed I-485 application. Subsequently, on September 12, 2007, Mr. Michael A. Cannon, the Section Chief of National Name Check Program of FBI, replied a letter stating that Plaintiff’s case was received from USCIS on August 22, 2005 and was

still in process (**Exhibit F**).

15. On July 2, 2007, USCIS replied Plaintiff's inquiry and told him that his case was still pending security check (**Exhibit G**).
16. On August 8, 2007, the Nebraska USCIS asked Plaintiff to provide the evidence for employment authorization in the U.S. (**Exhibit H**).
17. On about August 15, 2007, Plaintiff, through his attorney, submitted USCIS I-797 approval notice as evidence of Plaintiff's continuous employment authorization in the U.S.
18. On August 22, 2007, USCIS said that the response was received and case processing had resumed and Plaintiff "should expect to receive a written decision or written update within 60 days". (**Exhibit I**)
19. Plaintiff's I-485 petition still remains unadjudicated with the FBI name check still pending.
20. The Defendants have failed to properly adjudicate this petition. They have failed to adhere to their own regulations and have improperly delayed the processing of the Plaintiff's I-485 Application after the Plaintiff had submitted a properly executed application. It has been over 27 months since Plaintiff filed his I-485 with USCIS on August 8, 2005.
21. Although the role of Defendants is pivotal to the security of the United States of America, the Defendants' actions have gone well beyond the expected 120 days to 1 year processing time for the adjudication of an I-485 Application. Defendants have failed to adhere to their own regulations and procedures.

22. Defendants have sufficient information to determine Plaintiff's eligibility pursuant to applicable requirements and complete the processing procedures.
23. Defendants' delay in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have inappropriately refused to adjudicate the petition, there by depriving Plaintiff of the rights to which he is entitled.
24. Plaintiff has been greatly damaged by the failure of Defendants to act in accord with their duties under the law.
- (a) Specifically, Plaintiff, Wei Xiong and his derivative beneficiaries, have been unable to obtain legal permanent residence and thus cannot travel or work without restriction.
- (b) Plaintiff, Wei Xiong and his derivative beneficiaries are unable to accrue time to be eligible for Naturalization as a citizen of the United States, thus delaying his obtainment of the rights and privileges enjoyed by citizens of the United States.
- (c) Plaintiff, Wei Xiong and his derivative beneficiaries have also experienced tension in their life due to uncertainty and anxiety stemming from the pendency of the petitions.
25. Defendants in violation of the Administrative Procedures Act, 5 USC §551 et seq., are unlawfully delaying action on the Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law in a reasonable time.
26. Defendants in violation of the Administrative Procedures Act, 5 USC §701 et seq., are unlawfully withholding action on the Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law with regard to the Plaintiff's case.
27. Plaintiff has provided sufficient evidence of his attempt to secure adjudication of the

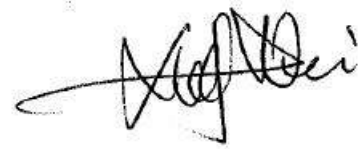
applications at issue, all to no avail. His administrative remedies have been exhausted. Accordingly, the Plaintiff has been forced to pursue the instant action.

PRAYER

28. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

- (a) requiring Defendants to properly adjudicate Plaintiff's application for action on an approved petition;
- (b) requiring Defendants to provide the Plaintiff with a Notice of Approval;
- (c) granting such other relief at law and in equity as justice may require.

Respectfully Submitted



Wei Xiong

PRO SE

38863 Fremont Blvd. #52
Fremont, CA 94536
Telephone (510) 557 2126
Facsimile (415) 598 1411

Exhibit A

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA			
RECEIPT NUMBER WAC-05-223- [REDACTED]		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS	
RECEIVED DATE August 8, 2005	PRIORITY DATE	APPLICANT A- [REDACTED] CHEN, WEI	
NOTICE DATE August 11, 2005	PAGE 1 of 1		
MINETTE A. KWOK MINAMI LEW & TAMAKI LLP RE: WEI CHEN 360 POST ST 8TH FL SAN FRANCISCO CA 94108		Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Derivative adjustment	
<p>Receipt notice If any of the above information is incorrect, call customer service immediately.</p> <p>Processing time Processing times vary by kind of case.</p> <ul style="list-style-type: none"> - You can check our current processing time for this kind of case on our website at uscis.gov. - On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case. <p>Most of the time your case is pending the processing status will not change because we will be working on others filed earlier.</p> <ul style="list-style-type: none"> - We will notify you by mail when we make a decision on this case, or if we need something from you. - If you move while this case is pending, call customer service when you move. <p>Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update.</p> <p>If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.</p> <p>Notice to all customers with a pending I-130 petition USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to www.state.gov/travel <http://www.state.gov/travel> to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.</p> <p>Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.</p>			
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>U.S. CITIZENSHIP & IMMIGRATION SVC CALIFORNIA SERVICE CENTER P. O. BOX 30111 LAGUNA NIGUEL CA 92607-0111 Customer Service Telephone: (800) 375-5283</p>			

Exhibit A

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA	
RECEIPT NUMBER WAC-05-223-	CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE August 8, 2005	PRIORITY DATE APPLICANT A XIONG, TIANXIANG
NOTICE DATE August 11, 2005	PAGE 1 of 1
MINETTE A. KWOK MINAMI LEW & TAMAKI LLP RE: TIANXIANG XIONG 360 POST ST 8TH F SAN FRANCISCO CA 94108	Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Derivative adjustment
<p>Receipt notice - If any of the above information is incorrect, call customer service immediately.</p> <p>Processing time - Processing times vary by kind of case.</p> <ul style="list-style-type: none"> - You can check our current processing time for this kind of case on our website at uscis.gov. - On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case. - Most of the time your case is pending the processing status will not change because we will be working on others filed earlier. - We will notify you by mail when we make a decision on this case, or if we need something from you. - If you move while this case is pending, call customer service when you move. - Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update. <p>If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.</p> <p>Notice to all customers with a pending I-130 petition - USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to www.state.gov/travel <http://www.state.gov/travel> to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.</p> <p>Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.</p>	
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>U.S. CITIZENSHIP & IMMIGRATION SVC CALIFORNIA SERVICE CENTER P. O. BOX 30111 LAGUNA NIGUEL CA 92607-0111 Customer Service Telephone: (800) 375-5283</p>	



Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



ASC Appointment Notice

NOTICE DATE
09/22/2005

CASE TYPE
I485 Application to Register Permanent Resident or Adjust Status

SOCIAL SECURITY NUMBER

USCIS A#

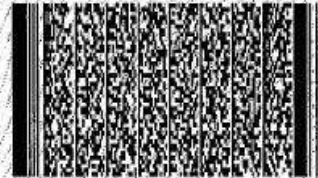
APPLICATION NUMBER
WAC05223

CODE
3

SERVICE CENTER
WSC

PAGE
1 of 1

WEI XIONG
38863 FREMONT BLVD S2
FREMONT, CA 94536



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.

PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.

If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.

RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW AND FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

DATE AND TIME OF APPOINTMENT

10/07/2005
2:00 PM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible.

Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

LIFE ACT PROCESSING STAMP

APPLICATION NUMBER 1

I485 WAC05223



If you have any questions regarding this notice, please call 1-800-375-5283.

ASC SITE CODE: 1580N
BIOMETRICS QA REVIEW BY: 10/7/05
FINGERPRINTS QA REVIEW BY: 10/7/05

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

ASC Appointment Notice

NOTICE DATE
09/22/2005

CASE TYPE
I485 Application to Register Permanent Resident or Adjust Status
APPLICATION NUMBER
WAC05223

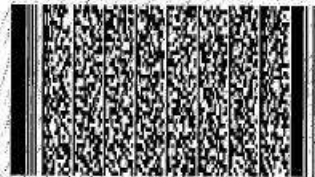
SOCIAL SECURITY NUMBER

USCIS A#

SERVICE CENTER
WSC

PAGE
1 of 1

WEI CHEN
38863 FREMONT BLVD 52
FREMONT, CA 94536



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APPLICATION SUPPORT CENTER

DATE AND TIME OF APPOINTMENT

USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

10/07/2005
2:00 PM

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USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

APPROPRIATE CODE:
BIO METRICS QA REVIEW BY:
TENPRINTS QA REVIEW BY:

APPLICATION NUMBER 1

I485 WAC05223



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Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

UNITED STATES OF AMERICA

ASC Appointment Notice

NOTICE DATE
09/22/2005

CASE TYPE
I485 Application to Register Permanent Resident or Adjust Status

SOCIAL SECURITY NUMBER

USCIS A#

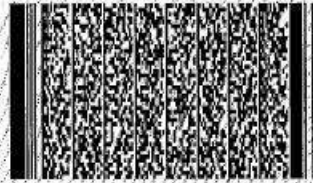
APPLICATION NUMBER
WAC05223

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SERVICE CENTER
WSC

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TIANXIANG XIONG
38863 FREMONT BLVD 52
FREMONT, CA 94536



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DATE AND TIME OF APPOINTMENT

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2040 TELEGRAPH AVE.
OAKLAND, CA 94612

10/07/2005
2:00 PM

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USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

APPLICATION NUMBER 1

I485 - WAC05223



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Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

ASC Appointment Notice

CASE TYPE
I765

APPLICATION NUMBER

WAC06800

NOTICE DATE

9/15/2006

SOCIAL SECURITY NUMBER

USCIS A#

CODE

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SERVICE CENTER

PAGE

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1 of 1

WEI CHEN
38863 FREMONT BLVD 53
FREMONT, CA 94536

BIOMETRICS PROCESSING STAMP

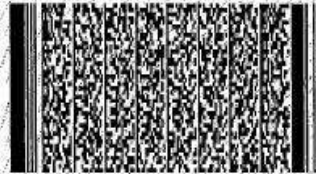
ASC SITE CODE:

BIOMETRICS QA REVIEW BY:

52530 ON 9/28/06

TENPRINTS QA REVIEW BY:

ON



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.

PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.

IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

DATE AND TIME OF APPOINTMENT

09/28/2006
8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

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APPLICATION NUMBER 1

I765

WAC06800



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

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Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



ASC Appointment Notice		APPLICATION NUMBER WAC05223	NOTICE DATE 2/21/2007
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS A# A	CODE 1
	TCR	SERVICE CENTER WSC	PAGE 1 of 1

WEI XIONG
38863 FREMONT BLVD 52
FREMONT, CA 94536

BIOMETRICS PROCESSING STAMP
ASC SITE CODE: XTE / SAN JOSE
BIOMETRICS QA REVIEW BY:
ON
FINGERPRINTS QA REVIEW BY:
ON MAR 21 2007



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131	PLEASE READ THIS ENTIRE NOTICE CAREFULLY. DATE AND TIME OF APPOINTMENT 03/21/2007 9:00 AM
--	--

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:
1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.
CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING
☐ Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN JOSE, 122 CHARCOT AVE., SAN JOSE, CA 95131

APPLICATION NUMBER 1 I485 - WAC05223



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!
Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.
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Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

ASC Appointment Notice

CASE TYPE
I485 Application to Register Permanent Resident or Adjust StatusAPPLICATION NUMBER
WAC052235

SOCIAL SECURITY NUMBER

USCIS A#

NOTICE DATE
2/21/2007

CODE

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SERVICE CENTER

PAGE

WSC

1 of 1

WEI CHEN
38863 FREMONT BLVD 52
FREMONT, CA 94536BIOMETRIC PROCESSING STAMP
XTE/SAN JOSEASC SITE CODE:
BIOMETRICS QA REVIEW BY:

ON

FINGERPRINTS QA REVIEW BY:

ON MAR 21 2007



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
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APPLICATION SUPPORT CENTER

USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

PLEASE READ THIS ENTIRE NOTICE CAREFULLY.

DATE AND TIME OF APPOINTMENT

03/21/2007
9:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

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2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

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REQUEST FOR RESCHEDULING

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APPLICATION NUMBER 1

I485 - WAC052235



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WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit B



Department of Homeland Security U.S. Citizenship and Immigration Services		I-797, Notice of Action	
THE UNITED STATES OF AMERICA			
ASC Appointment Notice		APPLICATION NUMBER WAC05223	NOTICE DATE 2/21/2007
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER TCR	USCIS A# A	CODE 1
		SERVICE CENTER WSC	PAGE 1 of 1
TIANXIANG XIONG 38863 FREMONT BLVD 52 FREMONT, CA 94536		BIOMETRICS PROCESSING STAMP ASC SITE CODE BIOMETRICS QA REVIEW BY ON TEMPRINTS QA REVIEW BY MAR 21 2007 ON	
To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.			
APPLICATION SUPPORT CENTER USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131		PLEASE READ THIS ENTIRE NOTICE CAREFULLY. DATE AND TIME OF APPOINTMENT 03/21/2007 9:00 AM	
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken. CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.			
REQUEST FOR RESCHEDULING <input type="checkbox"/> Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN JOSE, 122 CHARCOT AVE., SAN JOSE, CA 95131			
APPLICATION NUMBER 1 I485 WAC05223 			
If you have any questions regarding this notice, please call 1-800-375-5283.			
WARNING! Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.			

Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

UNITED STATES OF AMERICA

ASC Appointment Notice		APPLICATION NUMBER LIN07800	NOTICE DATE 7/6/2007
CASE TYPE I765	SOCIAL SECURITY NUMBER TCR	USCIS A# A	CODE 2
		SERVICE CENTER MSC	PAGE 1 of 1

WEI CHEN
38863 FREMONT BLVD. 52
FREMONT, CA 94536



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER
USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

PLEASE READ THIS ENTIRE NOTICE CAREFULLY.

DATE AND TIME OF APPOINTMENT
07/26/2007
11:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING

☐ Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS OAKLAND, 2040 TELEGRAPH AVE., OAKLAND, CA 94612.

BIOMETRICS PROCESSING STAMP

ASC SITE CODE: XFB
BIOMETRICS QA REVIEW BY: [Signature] ON 7/26/07
TENPRINTS QA REVIEW BY: [Signature] ON 7/26/07

APPLICATION NUMBER 1
I765 . LIN07800



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



ASC Appointment Notice

CASE TYPE
I765

APPLICATION NUMBER

LIN0880

NOTICE DATE

11/6/2007

SOCIAL SECURITY NUMBER

USCIS A#

A099043637

CODE

2

TCR

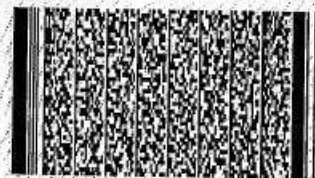
SERVICE CENTER

MSC

PAGE

1 of 1

WEI XIONG
38863 FREMONT BLVD 52
FREMONT, CA 94536



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

USCIS OAKLAND
2040 TELEGRAPH AVE.
OAKLAND, CA 94612

PLEASE READ THIS ENTIRE NOTICE CAREFULLY.

DATE AND TIME OF APPOINTMENT

12/04/2007

9:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING

- ☐ Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS OAKLAND, 2040 TELEGRAPH AVE., OAKLAND, CA 94612

APPLICATION NUMBER 1

I765

LIN0880



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit C

U.S. Department of Homeland Security
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111



U.S. Citizenship
and Immigration
Services

Thursday, October 19, 2006

WEI XIONG
38863 FREMONT BLVD
APT. 52
FREMONT CA 94536

Dear Wei Xiong:

On 09/07/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	Information not available
Receipt #:	wac-05-223-██████
Beneficiary (if you filed for someone else):	Xiong, Wei
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 10-19-2006 04:44 PM EDT - wac-05-223-52048

Exhibit D

FORTNEY PETE STARK
13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

April 17, 2007

Wei Xiong
38868 Fremont Blvd #52
Fremont, CA 94536

Dear Mr. Xiong:

Ref: WAC-05-223- [REDACTED]

In reply to my inquiry on your behalf, the Federal Bureau of Investigation has informed me that your case is pending resolution of the background check. A final decision cannot be made on any application until all national security checks are complete. Various authorities in Washington DC are involved and there is no estimated processing time for completion of this action.

I understand that this may be discouraging, but processing cannot resume until all security clearances have been resolved. If you have not received correspondence from the FBI by September, please contact my district office and I will make a follow-up inquiry.

Sincerely,

Pete Stark
Member of Congress

FHS/iai

COPY

Exhibit E


RECEIPT NUMBER WAC-05-223-		CASE TYPE 1485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE August 11, 2005	PRIORITY DATE	APPLICANT A XIONG, WEI
NOTICE DATE March 6, 2007	PAGE 1 of 1	
WEI XIONG 38863 FREMONT BLVD 52 FREMONT CA 94536		Notice Type: Transfer Notice
<p>This is to advise you that in order to speed up processing we have transferred the above case to the following USCIS office for processing:</p> <p>Nebraska Service Center, P.O. BOX 82521, Lincoln, NE 68502-0521</p> <p>That office will notify you of the decision made on the application or petition.</p> <p>Please read the following information before attempting to contact the National Customer Service Center for an update:</p> <p>Please refer to the USCIS processing dates webpage, via the USCIS home webpage http://www.uscis.gov/graphics/index.htm, to locate the processing dates for the specific service center that your case was transferred to. If the service center is within processing time for your particular application or petition, USCIS cannot provide an update on your case. If the service center is outside of processing time for your particular application or petition, please call Customer Service at 1-800-375-5283 to request an update.</p> <p>Please read the following information if you submitted a Premium Processing application or petition:</p> <p>Please contact the Premium Processing phone number at 1-866-375-5212 for inquiries. The 15-day Premium Processing clock does not start until the correct office receives the application or petition.</p>		
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>U.S. CITIZENSHIP & IMMIGRATION SVC CALIFORNIA SERVICE CENTER P. O. BOX 30111 LAGUNA NIGUEL CA 92607-0111 Customer Service Telephone: (800) 375-5283</p> 		

Exhibit E

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-223- [REDACTED]		CASE TYPE I-485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE August 11, 2005	PRIORITY DATE	APPLICANT A [REDACTED] CHEN, WEI
NOTICE DATE March 6, 2007	PAGE 1 of 1	

WEI CHEN
38863 FREMONT BLVD 52
FREMONT CA 94536

Notice Type: Transfer Notice

This is to advise you that in order to speed up processing we have transferred the above case to the following USCIS office for processing:

Nebraska Service Center, P.O. BOX 82521, Lincoln, NE 68501-0521

That office will notify you of the decision made on the application or petition.

Please read the following information before attempting to contact the National Customer Service Center for an update:

Please refer to the USCIS processing dates webpage, via the USCIS home webpage <http://www.uscis.gov/graphics/index.htm>, to locate the processing dates for the specific service center that your case was transferred to. If the service center is within processing time for your particular application or petition, USCIS cannot provide an update on your case. If the service center is outside of processing time for your particular application or petition, please call Customer Service at 1-800-375-5283 to request an update.

Please read the following information if you submitted a Premium Processing application or petition:

Please contact the Premium Processing phone number at 1-800-375-5283 for inquiries. The 15-day Premium Processing clock does not start until the correct office receives the application or petition.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit E

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-223- [REDACTED]		CASE TYPE I-485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE August 11, 2005	PRIORITY DATE	APPLICANT A [REDACTED] XIONG, TIANXIANG
NOTICE DATE March 6, 2007	PAGE 1 of 1	

TIANXIANG XIONG
38863 FREMONT BLVD 52
FREMONT CA 94536

Notice Type: Transfer Notice

This is to advise you that in order to speed up processing we have transferred the above case to the following USCIS office for processing:

Nebraska Service Center, P.O. BOX 82521, Lincoln, NE 68501-8521

That office will notify you of the decision made on the application or petition.

Please read the following information before attempting to contact the National Customer Service Center for an update:

Please refer to the USCIS processing dates webpage, via the USCIS home webpage <http://www.uscis.gov/graphics/index.htm>, to locate the processing dates for the specific service center that your case was transferred to. If the service center is within processing time for your particular application or petition, USCIS cannot provide an update on your case. If the service center is outside of processing time for your particular application or petition, please call Customer Service at 1-800-375-5283 to request an update.

Please read the following information if you submitted a Premium Processing application or petition:

Please contact the Premium Processing phone number at 1-866-445-5718 for inquiries. The 15-day Premium Processing clock does not start until the correct office receives the application or petition.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit F



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

WH 607386

September 12, 2007

Mr. Wei Xiong
Number 52
38863 Fremont Boulevard
Fremont, CA 94536

Dear Mr. Xiong:

Your letter dated June 14, 2007, directed to Mrs. George W. Bush concerning your name check status for immigration purposes, was forwarded to the Department of Justice and subsequently referred to the Federal Bureau of Investigation (FBI) for reply.

A review of the FBI's Name Check Program database revealed that your request was received from the United States Citizenship and Immigration Services on August 22, 2005, and is currently in process.

The FBI processes millions of name check requests each year with each requiring thoughtful consideration. We know how important this information is to you; however, the FBI must also balance the need for national security in preparing the response to each of these requests. The FBI's homeland security mission requires that our name check process be primarily focused on an accurate and thorough result. While an exact date for completion of this review cannot be given, you may be assured that the results will be made available to the immigration authorities as quickly as possible.

I trust this information will be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Cannon", is written over a pre-printed name.

Michael A. Cannon
Section Chief
National Name Check Program Section
Records Management Division

Exhibit G

U.S. Department of Homeland Security

Nebraska Service Center

P.O. Box 82521

Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Monday, July 2, 2007

WEI XIONG
38863 FREMONT BLVD, APT. 52
FREMONT CA 94536

Dear Wei Xiong:

On 04/17/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	I485
Filing date:	Information not available
Receipt #:	wac-05-223- [REDACTED]
Beneficiary (if you filed for someone else):	Xiong, Wei
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Outside Normal Processing Times

The status of this service request is:

In processing applications for immigration benefits, the United States Citizenship and Immigration Service is making national security our top priority. USCIS has added security checks to the processing of all applications to help ensure that those who receive immigration benefits have come to join the American people in building a better society and not to do harm to them. But whatever short-term impact these additional checks will have on processing will not interfere with the Administration's long-term goal of eliminating processing backlogs and meeting a six-month processing standard for all immigration benefit applications. The employees of USCIS are committed to address our nation's security needs while also maintaining our country's openness to those who seek the freedom and opportunity that the United States has to offer. Your application is currently undergoing such checks. Please allow more time.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 07-02-2007 12:37 PM EDT - wac-05-223-52048

Exhibit H


Receipt Number: WAC05223

Attachment

Please submit proof of your continuous employment authorization in the U.S. from September 8, 2006 to the present. Such evidence may include copies of:

- Employment Authorization Documents (Forms I-688 or I-766) granted to you by this Service
- Form I-797 approval notices, showing you were granted status in an employment-authorized nonimmigrant classification
- Copies of Form I-94 Arrival/Departure Records showing you were admitted to the U.S. in an employment-authorized nonimmigrant status

Exhibit I



U.S. Citizenship and Immigration Services

Securing America's Promise

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Receipt Number: wac05223

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS

Current Status: Response to request for evidence received, and case processing has resumed.


On August 22, 2007, we received your response to our request for evidence. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. You should expect to receive a written decision or written update within 60 days of the date we received your response unless fingerprint processing or an interview are standard parts of case processing and have not yet been completed, in which case you can use our processing dates to estimate when this case will be done. This case is at our NEBRASKA SERVICE CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

You can choose to receive automatic case status updates, which will be sent via email. Please click [here](#) to create an account online.

If you would like to see our current Processing Dates for Applications and Petitions, click [here](#).

Note: Case Status is available for Applications and Petitions which were filed at USCIS Service Centers. If you filed at a USCIS Local Office, your case status may not be reviewable online but for processing times on forms filed at that Office please, [click here](#).

If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact the USCIS Customer Service at (800) 375-5283 or 1-800-767-1833 (TTY).




11-20-2007 02:56 AM EST

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U.S. Department of Homeland Security

Exhibit I



U.S. Citizenship
and Immigration
Services

Securing America's Promise

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Change Of Address

Services While Your Case is Pending

Civil Surgeons

Processing Times

Case Status Online

Case Status Search

Register

Login

Receipt Number: wac05223

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS

Current Status: Response to request for evidence received, and case processing has resumed.

On August 27, 2007, we received your response to our request for evidence. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. You should expect to receive a written decision or written update within 60 days of the date we received your response unless fingerprint processing or an interview are standard parts of case processing and have not yet been completed, in which case you can use our processing dates to estimate when this case will be done. This case is at our NEBRASKA SERVICE CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

You can choose to receive automatic case status updates, which will be sent via email. Please click [here](#) to create an account online.

If you would like to see our current Processing Dates for Applications and Petitions, click [here](#).

Note: Case Status is available for Applications and Petitions which were filed at USCIS Service Centers. If you filed at a USCIS Local Office, your case status may not be reviewable online but for processing times on forms filed at that Office please [click here](#).

If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact the USCIS Customer Service at (800) 375-5283 or 1-800-767-1833 (TTY).

New Search

Printer Friendly Case Status

Get Acrobat Reader

11-20-2007 03:01 AM EST

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U.S. Department of Homeland Security